

### **REMARKS**

Claims 41-49 have been canceled without prejudice or disclaimer and Applicants reserve the right to pursue these and other similar claims in future applications. Claims 1-40 are now pending in the present application.

#### **Office Action of December 9, 2005**

Applicants have carefully reviewed and considered the Office Action of December 9, 2005, in which the examiner made a restriction requirement and divided the pending claims into two Species: Species I: directed toward a memory device comprising: a control gate being adjacent the second diffusion region and the above first channel region and separated therefrom by a second insulator region (Claims 1-20 and 21-40); Species II: directed toward an electrically erasable and programmable non-volatile memory array with a plurality of memory bytes comprising a plurality of control lines, where each control line being connected to the second connector of every memory cell in a row (Claims 41-49). Applicants respectfully disagree with the Restriction Requirement and traverse the same for the following reasons.

Claims 1-20 and 21-40 are directed toward FLASH EEPROM memory cells and claims 41-49 are directed toward a memory string formed by these memory cells. Applicants submit that the memory cells and memory arrays are not independent of each other. The memory cells are used to manufacture the memory arrays -- the memory cells are the intermediate products while the memory arrays are the final products. There is no reason for the memory cells to be separated from memory arrays. The memory array is merely an aggregation of the memory cells, and not a distinct invention. Both the memory cells and memory arrays thereof incorporate the same inventive concept and they should be considered as different embodiments of the same invention.

Notwithstanding the above traversal, Applicants hereby provisionally elect claims 1-40 to be prosecuted with this application.


### Conclusion

In view of the foregoing remarks, applicants respectfully request the restriction requirement be withdrawn. If necessary, the Examiner is invited to telephone Applicant's attorney (404-815-3383) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 03-0683.

Respectfully submitted,  
Yu et al.  
By their Representatives,

Carlton Fields  
1201 West Peachtree Street, Suite 3000  
Atlanta, GA 30309-3450  
Telephone: 404-815-3400  
Fax: 404-815-3415

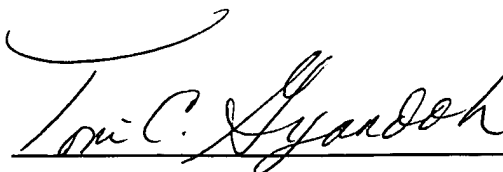


Li K. Wang  
Reg. No. 44,393

Date

1/4/06

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop 2/4 Amendment, Commissioner of Patents, Alexandria, VA 22313-1450, on this day of January, 2006.



Toni C. Gyandoh